



**US Army Corps
of Engineers®**
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: July 24, 2001

Comment Period Ends: August 23, 2001

File Number: 2000-01773N

In Reply Refer To: Ms. Diane M. Ray

Or by e-mail: diane.m.ray@usace.army.mil

CROSS SOUND CABLE COMPANY, LLC, 110 TURNPIKE ROAD, SUITE 300, WESTBOROUGH, MASSACHUSETTS 01581 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act to install and maintain, via either the jet plow method or directional drill method, an approximately 24 linear mile high voltage direct current (HVDC) and fiber optic cable system within the seabed of New Haven Harbor and Long Island Sound between property adjacent to New Haven Harbor Station, New Haven, Connecticut and the decommissioned Shoreham Nuclear Power Station at Brookhaven, New York, as shown on the attached plans. The cable system will be buried to an approximate depth of 6 feet below the seabed within the Federal Navigation Channel of New Haven Harbor as well across Long Island Sound and in near shore New York.

The purpose of the project is to interconnect the electric system power market control areas now being managed by the independent system operators (ISOs) of both New England and New York. The project will enhance the existing power grids of the electric systems serving both states by adding a new bi-directional path for bulk power sales and transfers in and out of CT and NY.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). This project will impact an area within the 24 linear mile pipeline route of EFH for the species and their life stages as listed on the attached table. This habitat consists of predominately sand with some gravel and soft mud near the shore. Loss of this habitat may adversely affect the species listed on the attached table; however the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

This project is located on the USGS New Haven quadrangle sheet.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Ms. Diane M. Ray at (978) 318-8831, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

CROSS SOUND CABLE COMPANY, LLC. 2000-01773

Table 1. Species and their respective life stages having designated Essential Fish Habitat in grid squares 9, 21 and 34 in the applicant's proposed cable alignment in Long Island Sound from New Haven, CT to Shoreham, NY.

Species	Coastal estuaries
Demersal Species	
American plaice	J A
Summer flounder	J A
Windowpane flounder	E L J A
Winter flounder	E L J A
Groundfish	
Pollock	J A
Black sea bass	J A
Red hake	E L J A
Scup	E L J A
Whiting (Silver hake)	A
Pelagic Species	
Atlantic butterfish	J A
Atlantic mackerel	E L J A
Atlantic salmon	J A
Atlantic sea herring	J A
Bluefish	J A
Cobia	E L J A
King mackerel	E L J A
Spanish mackerel	E L J A
Sharks	
Blue shark	A
Sandbar shark *	L A
Sand tiger shark *	L
Spiny dogfish	J A
Invertebrates	
Long finned squid	E L J A

E = Eggs; L = Larvae; * for the shark species indicates neonates and early juveniles
 J = Juvenile; A = Adult; n/a = information not available or not descriptive

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

**SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS**

**Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division**

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which may reasonably accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and New York have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.